



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

Public Copy

File: WAC 99 027 50339 Office: California Service Center

Date:

APR 12 2000

IN RE: Petitioner:  
Applicant:

Application: Application for Extension of Stay Pursuant to 8 C.F.R. 214.1(c)(1)

IN BEHALF OF APPLICANT:

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The petition for a nonimmigrant worker was filed as an application for an extension of the applicant's temporary stay in the United States as an E-2 Treaty Investor pursuant to 8 C.F.R. 214.1(c)(1).

The petition was denied by the Director, California Service Center, who incorrectly advised the applicant that the decision could be appealed to the Associate Commissioner for Examinations. The petitioner subsequently filed an appeal. The appeal will be rejected.

The regulation at 8 C.F.R. 214.1(c)(5) states:

*Decision in Form I-129 or I-539 extension proceedings.*  
Where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at the discretion of the Service. There is no appeal from the denial of an application for extension of stay filed on Form I-129 or I-539.

**ORDER:** The appeal is rejected.